



# SANCHAR NIGAM EXECUTIVES' ASSOCIATION KERALA CIRCLE

(Recognised Majority Association of Executives in BSNL)  
SNEA Bhavan, Dharmalayam Road, TVM-695001

## Circle President

George Varghese  
DGM(OP &Mktg)  
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**No:- SNEA/KLA/CGM/2016-17/151 dtd at TVM, the 30-10-2017**

To

1. The PGM(F)  
BSNL, Kerala Circle,  
Trivandrum
2. The CGMT  
BSNL Kerala

**Sub: Implementation of Supreme Court judgement on recovery of excess/wrongful payments made to employees in BSNL reg:-**

Ref: - No 1-6/2016-PAT(BSNL) Dated 19.09.2017

We invite your kind attention to the content of the above letter and is reproduced below:

3. The matter of recovery has been further examined in consultation with legal branch of CO BSNL which has opined that the decision of Hon'ble Supreme Court (in the matter of Rafiq Maish (white washer)) is aimed to exiate the hardships due to recovery of wrongful overpayment. Also the Hon'ble Supreme Court vide its judgment has clearly summarized the model situations wherein recoveries by the employers would be impermissible in law. DOP&T and the DOT has also conveyed their guidance/decision for appropriate implementation (as conveyed vide this office letters dated 09.09.2016 and 23.03.2017).

In view of above, I am directed to convey that:

- (a). Circle is, hereby, authorized to take a decision based on factual position in individual cases pertaining to Non-executive cases for waiving of recovery prior to the date of issue of DOP&T OM No. 18/26/2011-Estt. (Pay-I) dated 06.02.2014.
  - (b). After issuance of DOP&T OM dated 06.02.2014, all recovery cases of Non-executives are to be sent to BSNL Corporate office as per the procedure prescribed in this office letter dated 23.03.2017.
  - (c). In case of Executives, all recovery cases are required to be sent to Corporate office as prescribed in this office letter dated 23.03.2017.
4. In respect of 3(b) and 3 (c) above, the details of the case shall be sent to BSNL CO in the following format:

As per the above, it is requested that all cases which are impermissible in law as per F.No. 18/03/2015-Estt. (Pay-I) Government of India, Ministry of Personnel, Public Grievances & Pensions Department of Personnel & Training New Delhi, the 2nd March, 2016 ( reproduced below) may be waived from recovery as authorized to the Circles..

*(i) Recovery from employees belonging to Class-III and Class-IV service (or Group 'C' and Group 'D' service).*

*(ii) Recovery from retired employees, or employees who are due to retire within one year, of the order of recovery.*

*(iii) Recovery from employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

*(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

*(v) In any other case, where the Court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.*

**But in spite of the above clear instruction it is reported that recovery is being effected from employees/officers on account of purported excess/ wrongful fixation especially at the time of their retirement which is totally prohibited as per clause ii.**

**In case the recovery is necessary the same may be reported to corporate office as per the procedures prescribed on the subject.**

**Sincerely Yours**



**T Santhosh Kumar  
Circle Secretary  
SNEA, Kerala Circle.**

**Copy to :- GM(HR), O/o CGMT, Trivandrum**